

07/31/01  
1c759 U.S. PTO

C8-02-01

A

Please type a plus sign (+) inside this box [ + ]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

### UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 003801.P058

(maximum 12 characters)

First Named Inventor Michael Schwankl

Title: A METHOD AND SYSTEM TO FACILITATE PRE-ORDERING VIA AN ELECTRONIC COMMERCE FACILITY, AND AUTOMATICALLY TO FACILITATE SATISFYING OF A PRE-ORDER UPON LISTING OF AN APPROPRIATE OFFER VIA THE ELECTRONIC COMMERCE FACILITY

Express Mail Label No. EL627466203US

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant Claims Small Entity Status. (37 CFR 1.27)
3. ☒ Specification (Total Pages 47)  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 USC 113) (Total Sheets 20)
5. ☒ Oath or Declaration (Total Pages 6)
  - a. ☐ Newly Executed (Original or Copy)
  - b. ☐ Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i. ☐ DELETIONS OF INVENTOR(S) Signed statement deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c. ☒ Unsigned.
6. ☐ Application Data Sheet. (37 CFR 1.76)
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statement verifying identity of above copies

11000 U.S. PTO  
09/920573  
07/31/01

# ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
☐ b. Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ a. Information Disclosure Statement (IDS)/PTO-1449  
☐ b. Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Copy of postcard with express mail stamp. Request for early publication under 37 CFR § 1.219

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
(which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_)  
which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_ (or a copy of which is attached).

## 19. Correspondence Address

☐ Customer Number or Bar Code Label \_\_\_\_\_  
or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME ANDRÉ L. MARAIS  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard  
Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): André L. Marais Registration No.: 48,095

Signature: [Signature] Date: 07/31/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL FOR FY 2001**

|                                     |                       |
|-------------------------------------|-----------------------|
| <b>TOTAL AMOUNT OF PAYMENT (\$)</b> | <b><u>2006.00</u></b> |
|-------------------------------------|-----------------------|

**Complete if Known:**

|                      |                  |
|----------------------|------------------|
| Application No.      | Unknown          |
| Filing Date          | Herewith         |
| First Named Inventor | Michael Schwankl |
| Group Art Unit       | Not Yet Assigned |
| Examiner Name        | Not Yet Assigned |
| Attorney Docket No.  | 003801.P058      |

**METHOD OF PAYMENT** (check one)

1. ☒ [ X ] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

- [ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17**

- [ ] Applicant claims small entity status. See 37 CFR 1.27**

2.   X   Payment Enclosed:   X   Check  
           Credit Card  
           Money Order  
           Other

### FEE CALCULATION

## 1. BASIC FILING FEE

| <u>Large Entity</u> |             | <u>Small Entity</u> |             | <u>Fee Description</u>             | <u>Fee Paid</u> |
|---------------------|-------------|---------------------|-------------|------------------------------------|-----------------|
| <u>Fee</u>          | <u>Fee</u>  | <u>Fee</u>          | <u>Fee</u>  |                                    |                 |
| <u>Code</u>         | <u>(\$)</u> | <u>Code</u>         | <u>(\$)</u> |                                    |                 |
| 101                 | 710         | 201                 | 355         | Utility application filing fee     | 710.00          |
| 106                 | 320         | 206                 | 160         | Design application filing fee      |                 |
| 107                 | 490         | 207                 | 245         | Plant filing fee                   |                 |
| 108                 | 710         | 208                 | 355         | Reissue filing fee                 |                 |
| 114                 | 150         | 214                 | 75          | Provisional application filing fee |                 |

**SUBTOTAL (1)    \$ 710.00**

## 2. EXTRA CLAIM FEES

| 2. <u>EXTRA CLAIM FEES</u>  |                     |   | <u>Fee from</u><br><u>below</u> | <u>Fee Paid</u> |
|-----------------------------|---------------------|---|---------------------------------|-----------------|
|                             | <u>Extra Claims</u> |   |                                 |                 |
| Total Claims <u>62</u>      | - 20** = <u>42</u>  | X | 18.00                           | = <u>756.00</u> |
| Independent Claims <u>6</u> | - 3** = <u>3</u>    | X | 80.00                           | = <u>240.00</u> |
| Multiple Dependent          |                     |   |                                 | =               |

**\*\*Or number previously paid, if greater; For Reissues, see below.**

| <u>Large Entity</u> |             | <u>Small Entity</u> |             | <u>Fee Description</u>                                    |
|---------------------|-------------|---------------------|-------------|---|
| Fee<br>Code         | Fee<br>(\$) | Fee<br>Code         | Fee<br>(\$) |   |
| 103                 | 18          | 203                 | 9           | Claims in excess of 20                                    |
| 102                 | 80          | 202                 | 40          | Independent claims in excess of 3                         |
| 104                 | 270         | 204                 | 135         | Multiple dependent claim, if not paid                     |
| 109                 | 80          | 209                 | 40          | **Reissue independent claims over original patent         |
| 110                 | 18          | 210                 | 9           | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)    \$ 996.00**

**FEE CALCULATION (continued)**

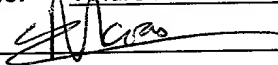
### 3. ADDITIONAL FEES

| Large Entity  |          | Small Entity |          | Fee Description  | Fee Paid         |
|---|----------|--------------|----------|--|------------------|
| Fee Code  | Fee (\$) | Fee Code     | Fee (\$) |  |                  |
| 105   | 130      | 205          | 65       | Surcharge - late filing fee or oath  | _____            |
| 127   | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet                     | _____            |
| 139   | 130      | 139          | 130      | Non-English specification  | _____            |
| 147   | 2,520    | 147          | 2,520    | For filing a request for ex parte reexamination                            | _____            |
| 112   | 920*     | 112          | 920*     | Requesting publication of SIR prior to Examiner action                     | _____            |
| 113   | 1,840*   | 113          | 1,840*   | Requesting publication of SIR after Examiner action                        | _____            |
| 115   | 110      | 215          | 55       | Extension for reply within first month                                     | _____            |
| 116   | 390      | 216          | 195      | Extension for reply within second month                                    | _____            |
| 117   | 890      | 217          | 445      | Extension for reply within third month                                     | _____            |
| 118   | 1,390    | 218          | 695      | Extension for reply within fourth month                                    | _____            |
| 128   | 1,890    | 228          | 945      | Extension for reply within fifth month                                     | _____            |
| 119   | 310      | 219          | 155      | Notice of Appeal   | _____            |
| 120   | 310      | 220          | 155      | Filing a brief in support of an appeal                                     | _____            |
| 121   | 270      | 221          | 135      | Request for oral hearing   | _____            |
| 138   | 1,510    | 138          | 1,510    | Petition to institute a public use proceeding                              | _____            |
| 140   | 110      | 240          | 55       | Petition to revive - unavoidable   | _____            |
| 141   | 1,240    | 241          | 620      | Petition to revive - unintentional   | _____            |
| 142   | 1,240    | 242          | 620      | Utility issue fee (or reissue)   | _____            |
| 143   | 440      | 243          | 220      | Design issue fee   | _____            |
| 144   | 600      | 244          | 300      | Plant issue fee  | _____            |
| 122   | 130      | 122          | 130      | Petitions to the Commissioner  | _____            |
| 123   | 50       | 123          | 50       | Processing fee under 37 CFR 1.17(q)  | _____            |
| 126   | 180      | 126          | 180      | Submission of Information Disclosure Stmt                                  | _____            |
| 581   | 40       | 581          | 40       | Recording each patent assignment per property (times number of properties) | _____            |
| 146   | 710      | 246          | 355      | For filing a submission after final rejection (see 37 CFR 1.129(a))        | _____            |
| 149   | 710      | 249          | 355      | For each additional invention to be examined (see 37 CFR 1.129(b))         | _____            |
| 179   | 710      | 279          | 355      | Request for Continued Examination (RCE)                                    | _____            |
| 169   | 900      | 169          | 900      | Request for expedited examination of a design application                  | _____            |
| 195   | 300      | 195          | 300      | Publication fee for early, voluntary, or normal publication                | _____            |
| 196   | 300      | 196          | 300      | Publication fee for republication  | _____            |
| 194   | 130      | 194          | 130      | Request for voluntary publication or republication                         | _____            |
| 098   | 130      | 098          | 130      | Processing fee under 37 CFR 1.17(i)  | _____            |
| 091   | 1,240    | 091          | 1,240    | Acceptance of unintentionally delayed claim for priority                   | _____            |
| Other fee (specify) <u>Request for early publication under 37 CFR § 1.219</u> |          |              |          |  | <u>X</u>         |
| Other fee (specify) _____   |          |              |          |  | _____            |
| <b>SUBTOTAL (3)</b>   |          |              |          |  | <b>\$ 300.00</b> |

\*Reduced by Basic Filing Fee Paid

#### SUBMITTED BY:

Typed or Printed Name: André L. Marais

Signature:  Date: 07/31/01

Reg. Number: 48,095 Telephone Number: 408-947-8200

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

"Express Mail" mailing label number: EL627466203US

Date of Deposit: July 31, 2001

I hereby certify that I am causing this paper or fee to  
be deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service on  
the date indicated above and that this paper or fee  
has been addressed to the Commissioner of Patents  
and Trademarks, Washington, D. C. 20231

Lucia Sanchez

(Typed or printed name of person mailing paper or fee)

[Signature]  
(Signature of person mailing paper or fee)

7/31/2001  
(Date signed)

Serial/Patent No.: \*\*\* Filing/Issue Date: Herewith

Client: eBay, Inc.

Title: METHOD AND SYSTEM TO FACILITATE PRE-ORDERING VIA AN ELECTRONIC COMMERCE FACILITY AND AUTOMATICALLY TO FACILITATE.....

BSTZ File No.: 093801.P058 Atty/Secy Initials: ALM/lr

Date Mailed: July 31, 2001 Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

|  |  |
|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input checked="" type="checkbox"/> Express Mail No.: <u>EL627466293US</u> <input checked="" type="checkbox"/> Check No. <u>309</u>      |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (to applicant)                               | <input type="checkbox"/> Month(s) Extension of Time Amt: <u>\$1706.00</u>  |
| <input checked="" type="checkbox"/> Application - Utility (____ pgs., with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO 800 (____ pgs.) <input checked="" type="checkbox"/> Check No. <u>210</u> |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal Amt: <u>\$300</u>   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input type="checkbox"/> Power of Attorney (____ pgs.)   |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Preliminary Assessment (____ pgs.)  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Reply Brief (____ pgs.)   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input type="checkbox"/> Small Entity Declaration for Inventor/Small Business  |
| <input checked="" type="checkbox"/> Declaration & POA (____ pgs.)                              | <input type="checkbox"/> Transmittal Letter, in duplicate  |
| <input type="checkbox"/> Drawings Drawn & Copy of Invention Signed (____ pgs.)                 | <input type="checkbox"/> Fee Transmittal, in duplicate   |
| <input checked="" type="checkbox"/> Drawings: <u>20</u> # of sheets includes <u>22</u> figures |  |

☒ Other: Copy of postcard with expressmail stamp Request for early publication under 37 CFR § 1.219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael Schwankl, et al.

Application No.: Not Yet Assigned

Filed: Herewith

For: A METHOD AND SYSTEM TO FACILITATE  
PRE-ORDERING VIA AN ELECTRONIC COMMERCE)  
FACILITY, AND AUTOMATICALLY TO FACILITATE )  
SATISFYING OF A PRE-ORDER UPON LISTING OF )  
AN APPROPRIATE OFFER VIA THE ELECTRONIC )  
COMMERCE FACILITY )

Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR EARLY PUBLICATION UNDER 37 CFR § 1.219

Sir:

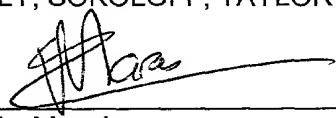
Applicant hereby request early publication for the above referenced application. Enclosed please find a check in the amount of \$300.00, the publication fee required under 37 CFR § 1.18d.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 07/31/01

  
André L. Marais  
Reg. No. 48,095

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598